

**TWENTY-EIGHT LEGISLATURE OF THE VIRGIN ISLANDS
OF THE UNITED STATES**

Charlotte Amalie, St. Thomas
Virgin Islands

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COMMITTEE ON EDUCATION, CULTURE AND YOUTH

Part II

January 21, 2010

Earle B. Ottley Legislative Hall
United States Virgin Islands

MEMBERS PRESENT:

SENATOR WAYNE A. G. JAMES - CHAIR
SENATOR LOUIS PATRICK HILL - VICE-CHAIR
SENATOR CRAIG W. BARSHINGER
SENATOR NEVILLE A. JAMES
SENATOR TERRENCE NELSON
SENATOR NEREIDA RIVERA-O'REILLY
SENATOR MICHAEL THURLAND

P-R-O-C-E-E-D-I-N-G-S:

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(The Committee on Education, Culture, and Youth rises out of recess and proceeds as follows:)

SENATOR W. JAMES: Good afternoon. Committee on Education, Culture, and Youth is back on the record.

Senator Barshinger, you're recognized for seven minutes.

SENATOR BARSHINGER: Thank you Mr. Chair. I'm in favor of the idea of this bill that Senator Nelson is proposing. The Virgin Islands has a unique history and starting with the 1733 slave revolt, the Virgin Islands has a history of self-emancipation that is an inspiring story for everyone no matter what their racial background. And in fact, one of our great things we can offer the world in the Virgin Islands is a story that alters my way of thinking as much more exciting than the 1860s Emancipation during the American Civil War.

What happen here in 1733, and 1848, and 1878 is a legacy and a history of continual and upward -- upward upliftment [sic] and upward spiraling that the Virgin Islands can offer as a lesson to the whole world. Nonetheless, I'm concerned with the way the bill is drafted right now, and I would like to ask that the

1 sponsor to consider and we did discussed this before, and
2 I've discussed the history part of it. I feel that in
3 order for it to be -- to have its full strength, the
4 history has to be accurate. And in Line 18 on Page 2 it
5 says, "When the demands were not met, they burned down
6 towns and sugar cane plantations." And my understanding
7 is the towns weren't burnt down.

8 I think that the story is so strong that we
9 don't have to rewrite the history and then make it a
10 fantasy. The actual history is there. The facts are
11 there. And the more we dig and the more facts the history
12 only emerges and shines more brightly, the motivations
13 behind it. I mean what you see here is a people who were
14 still not being able to get the full compensation for
15 their productivity said we've had enough. And that's what
16 caused the Fire Burn at least to my understanding of it.
17 And they were not just passively sit back and allow
18 themselves to be exploited. Today, it may seem shocking
19 that plantations were burned, but in the context of the
20 time, it is the most appropriate action, because nothing
21 was ever going to change unless some serious action was
22 taken. And the Spirit of 1878 is something we can
23 commemorate with this new holiday.

24 Another problem I have with the history of it,
25 and I'm not the historian, I turn to Senator Wayne James

1 and Senator Thurland, and the many other people in this
2 Territory who researched and dig and find the archives,
3 even if they go back to Denmark and dig up the records
4 from hundreds of years ago, they find the truth and they
5 piece together what it means.

6 The other two things I'd like to just point out
7 is that we're saying in Line 9, "Whereas every year the
8 employers failed on all promises." We use the word "all".
9 And then we go 10, "Whereas, in 1878 after all peaceable
10 attempts to demand a better quality of life failed." To
11 me when I read that it doesn't read like history. It
12 reads like fantasy history where you want it to be
13 something, and maybe it was true and maybe I'm incorrect.
14 But when I say it -- when I read that employers failed on
15 all promises, to me that's shutting off the detail of what
16 was really happening, because clearly there was a reality
17 behind that. And there might even been some stories where
18 in some areas some demands were being met, but then they
19 were -- they were encountered by such resistance that that
20 strategy was -- had it shut back in the people's faces.
21 And by using categorical terms that may or may not be
22 correct, I think we closed the door on the true history.

23 So I'm in support of this measure firmly. And I
24 might even agree to pass it on to Rules, but I've raised
25 my concerns right now. And if no changes are made to the

1 history, and I do my research and I find out that the
2 history is not accurate, I will not vote for it in
3 Session. The history itself must be factual, and the
4 interpretations and the spin and what we choose to do with
5 it is our art, our craft. And it's Senator Nelson's
6 craft, because it's his bill. And I think the message
7 could shine even more brightly in wording that's chosen
8 about what the message is for not just 1878 but for 2009
9 and beyond. Because those lessons that started in 1733
10 are still with us, and the more it's brought out in the
11 bill I would like to think that when we celebrate the
12 holiday every year that people think about what that means
13 to us. Just like we take the legacy of D. Hamilton
14 Jackson, there are lessons in his every action as he
15 confronted an establishment that was unfair that led us to
16 be able to have a more just and fair society today.

17 Thank you very much, Mr. Chair, and I return the
18 balance of my time.

19 **SENATOR W. JAMES:** Thank you Senator Barshinger.
20 You're comments are well taken. I mean obviously some of
21 this is just a little bit of tweaking and changing words
22 here and there. For example -- excuse me -- the town of
23 Christiansted was never burned in Fire Burn. It was
24 portions of Frederiksted. So but those are things that
25 can be adjusted easily in amendments or as we move along.

1 But I think everybody recognizes that the -- that the
2 measure, the substance behind it is what we all agree to,
3 and we act accordingly.

4 Senator Hill is out at the moment. Senator
5 Neville James, you're recognized for seven minutes.

6 **SENATOR JAMES:** Thank you, Mr. Chairman. Mr.
7 Chairman, the purpose of the committee process is to allow
8 for discussion and meaningful and reasonable debate given
9 the opportunity to have such. Contract Day which is what
10 I know October 1 to represent. I got -- in 2002, I went
11 to a commemoration of Contract Day at the Fort Frederik
12 fort. And what I recollect from that ceremony was Dr.
13 Arnold Highfield asking us to focus on the spirit of what
14 took place on that particular day, and not just caught up
15 in October 1, but what it represented for those who
16 decided that enough was enough.

17 And in looking at the calendar, because this is
18 about a calendar adjustment as well, or calendar impact as
19 well. If we were to include October 1 in our calendar, in
20 effect, we would have an Emancipation Day in July -- early
21 July, which is July 3rd. We have a National Labor Day
22 which is always the first Monday in September. This would
23 make for another commemoration that has impact as it
24 relates to labor with Contract Day on October 1. And then
25 we have Liberty Day which is about our freedom and putting

1 down our foot as D. Hamilton Jackson asked us to do, and
2 as a people demand that we have our say as it relates to
3 the people and moving forward and determining our own
4 future.

5 You know, so I am now going to pose this
6 question. How many more days are we looking at in terms
7 of solidifying what we believe we should represent from
8 our history as a people? Emancipation Day is a very
9 powerful day, and I agree with the sponsor that the idea
10 that it was going to be considered as a pay less holiday
11 back in April of this year for budgetary purposes was
12 insulting.

13 And then of course people are very forgetful
14 during the Rules Committee process when we asked the
15 nominee, who is now Judge Adam Christian, if you remember
16 when Senator White asked him, do you understand what
17 happens when you make a holiday a pay less holiday? What
18 about those who work on holidays and are subject to double
19 pay or time and a half or whatever it is. And his answer
20 was well we don't see anything that prohibits us from
21 paying regular pay. And then of course five, six months
22 later he never -- he don't recall that conversation when
23 that was very heated. You know, and then of course
24 because I asked the question like I did there were those
25 who felt that I was being hostile to the nominee what have

1 you. You know, so these are the things that we're
2 subjected to here in this institution, you know. And that
3 Emancipation Day suggestion or thought of it being a pay
4 less holiday was completely not 80 percent or 90 percent,
5 completely unacceptable. That would have been a direct
6 slap in the face of the Virgin Islands as a territory.

7 But getting back to Fire Burn Day, you know, I
8 am very much appreciative of our history, and what it
9 represents. And, you know, we've always, on the southern
10 side of the Territory, felt that historically we're the
11 ones that keep the history going. The highest profile
12 history that took place in the Virgin Islands we always
13 believe it happened in St. Croix, you know. We've always
14 been the radical and then to a lesser degree St. John, and
15 then of course the capital like they like to seh, you
16 know. They does let things run over here, run smooth,
17 because the merchant mentality don't allow for them to
18 have protracted conflict, you know. Our agrarian history
19 when the farmers rise up that's when they does start to
20 pay attention, you know. We go along.

21 I was talking to a friend of mine last night,
22 and people might get offended. But one of the greatest
23 attributes of us on St. Croix is we could stretch a \$20.00
24 bill. You know, we could make it last for a long, long
25 time, and that's just how it is. You know, so I, you

1 know, I fully understand Fire Burn Day, and I'm going to
2 give it the nod. But at some point, I know that when I
3 was in grade school I could recall I think we used to
4 Washington Holiday and Lincoln Holiday back to back, and
5 then they decided to consolidate and just have one
6 President's day in February. But I could remember when I
7 was young we had back to back Mondays in February for
8 Washington and Lincoln. And then I think when in 1999
9 they took away three holidays. We used to have Hurricane
10 Supplication, Hurricane Thanksgiving and Organic Act Day.
11 They took away three for budgetary purposes back in the
12 23rd Legislature.

13 So, you know, maybe giving back one isn't such a
14 bad idea since we had three. And it's no secret that the
15 year that we had -- the year we took away Hurricane
16 Supplication and Thanksgiving Hurricane Lenny came from
17 the opposite direction and slammed into us deep in
18 November, you know. So don't believe that there isn't a
19 greater being up there watching what we doing down here.

20 So I'm inclined to support Fire Burn Day. But I
21 do want to say that there are a lot of days that speak to
22 our history beginning with Transfer Day, and I think Three
23 Kings Day has some historical significance also particular
24 in the Hispanic community who take that very, very, you
25 know, seriously. And then from Transfer Day and then we

1 work towards --

2 **THE TIMEKEEPER:** Time.

3 **SENATOR JAMES:** -- Emancipation Day and coming
4 on down to Liberty Day. So thank you very much Mr.
5 Chairman. I will vote in favor of this one.

6 Thank you.

7 **SENATOR W. JAMES:** Thank you Senator Neville
8 James. Senator O'Reilly, you're recognized for seven
9 minutes.

10 **SENATOR RIVERA-O'REILLY:** Thank you Mr. Chair
11 and good afternoon again. I'm going to borrow this
12 phrase, which is not mine. I'm not an historian. That's
13 for sure. I love history, and I hope that in my later
14 years as I seek to retire, that I will have all the time
15 in the world to read all the lovely history books that I
16 can some day sound as eloquent in the area of history as
17 some of my colleagues.

18 But the line goes as follows, "Fire Burn or what
19 happened during the Fire Burn, is not our culture. It's
20 our history." What I take that to mean is that when you
21 hear people talk negatively about the events sort of cast,
22 you know, attempt to belittle the individuals that
23 participated in the Fire Burn by saying they were
24 renegades, and they resorted to violence instead of
25 negotiations. I think they fail to understand that they

1 did what they could given the time of our history in those
2 days. I don't think they had Mr. LaBlanc or Mr. Molyneaux
3 or any other labor leader who they could have sat with
4 negotiated on some equal terms.

5 So regardless of somehow we see those actions
6 perhaps that some day like today we would engage or
7 endorse I think that they ought to be commended, and they
8 ought to be honored for stepping up and risking everything
9 that they had to make a statement. So I know this is the
10 measure that keeps coming back. Twice at least in the
11 last year and probably many more times before I came here.
12 So I'm willing to give my colleague my vote in the
13 affirmative to support this measure because it's of
14 historical significance.

15 However, I am concerned about the budgetary
16 constraints that this government faces, and the fact that
17 the Governor did mentioned that he would be eliminating
18 some of the holidays because of the -- or not paying some
19 of the holidays because there'll be limited resources.
20 And so adding another holiday I'm sure would post some
21 additional financial burden on the already financially
22 strapped government if we believe what we hear. But, that
23 would be left to be seen, and I guess at some point or the
24 other we have to address that through a different means.
25 But at this point, I am prepared to assist my colleague by

1 voting in affirmative.

2 Thank you Mr. Chairman.

3 **SENATOR W. JAMES:** Thank you Senator O'Reilly.
4 Can we -- I think we have exhausted all of the arguments
5 from senators. So at this point, I'll entertain a motion.
6 Sorry, excuse me. Senator Barshinger, you're recognized
7 for a point of information.

8 **SENATOR BARSHINGER:** I was off the floor for a
9 moment so I hope I'm not asking a question that was
10 already asked and answered. How would this affect D.
11 Hamilton Day, Bull and Bread Day?

12 **SENATOR W. JAMES:** I can -- I mean I'll answer.
13 It would be two separate holidays.

14 **SENATOR BARSHINGER:** Okay, good. We're not
15 getting rid of that are we?

16 **SENATOR W. JAMES:** No.

17 **SENATOR BARSHINGER:** Okay, good. Thank you very
18 much.

19 **SENATOR W. JAMES:** Senator Nelson, you're
20 recognized for a motion.

21 **SENATOR NELSON:** Mr. Chair, I move to amend --
22 offer Amendment No. 28-717 to Bill No. 28-0159 which
23 reads:

24 Bill Number 28-0159 is amended in an
25 appropriately numbered sections to read:

1 Section _____. Bill No. 28-0159 Page 2 is
2 amended in the following instances. On Line 18 after the
3 word "met" by inserting the phrase "and lacking
4 alternative means of redressing their long standing
5 grievances," and Subsection B on Line 22, by deleting the
6 sentence in its entirety and inserting a new sentence to
7 read:

8 "Whereas, the 1878 labor revolt contributed to
9 the achievement of fair labor standards, wage increases, a
10 higher standard of living and quality of life for laborers
11 on St. Croix."

12 I so move.

13 **SENATOR THURLAND:** Second.

14 **SENATOR W. JAMES:** Properly moved and seconded.

15 Any objections? Hearing no objection, the amendment
16 carries.

17 Can we now have roll call on --

18 **SENATOR NELSON:** Motion. Mr. Chair, I move that
19 Bill No. 28-0159 as amended is approved by the Committee
20 with a favorable consideration and moved on to the Rules
21 Committee for any further deliberations or amendments.

22 I so move.

23 **SENATOR RIVERA-O'REILLY:** Second.

24 **SENATOR W. JAMES:** Properly moved and seconded.

25 Roll call on Bill No. 28-0159 and act amending Title 1

1 Virgin Island Code, Chapter 11, Section 171 commemorating
2 laborers on Fire Burn Day as a day to be revered and
3 remembered in Virgin Islands history, as amended.

4 Roll call.

5 **THE CLERK:** Roll call on Bill No. 28-0159 as
6 amended, proposed by Senator Terrence "Positive" Nelson an
7 act amending Title 1 Virgin Islands Code, chapter 11,
8 Section 171 commemorating laborers on Fire Burn Day as a
9 day to be revered and remembered in the Virgin Islands.

10 Senator Patrick Hill? Senator Hill, absent.

11 Senator Neville James?

12 **SENATOR JAMES:** Present. Yes.

13 **THE CLERK:** Senator James, yea.

14 Senator Michael Thurland?

15 **SENATOR THURLAND:** Yea.

16 **THE CLERK:** Senator Thurland, yea.

17 Senator Terrence Nelson?

18 **SENATOR NELSON:** Yes.

19 **THE CLERK:** Senator Nelson, yea.

20 Senator O'Reilly?

21 **SENATOR RIVERA-O'REILLY:** Yes.

22 **THE CLERK:** Senator O'Reilly, yea.

23 Senator Barshinger?

24 **SENATOR BARSHINGER:** Yes.

25 **THE CLERK:** Senator Barshinger, yea.

1 Senator Wayne James?

2 **SENATOR W. JAMES:** Yes.

3 **THE CLERK:** Senator Wayne James, yea.

4 Mr. Chair, we have six yeas, one absent.

5 **SENATOR W. JAMES:** Thank you Mr. Clerk. Bill
6 No. 28-0159, as amended, has been approved by the
7 Committee on Education, Youth, and Culture and will be
8 forwarded to the Committee on Rules for consider
9 consideration.

10 **SENATOR NELSON:** Point of personal privilege.

11 **SENATOR W. JAMES:** Senator Nelson, you're
12 recognized for a point of personal privilege.

13 **SENATOR NELSON:** Thank you very much Mr. Chair.
14 Mr. Chair, I want to thank you and the rest -- the other
15 members of this committee for this measure. I believe our
16 ancestors are smiling on us in moving towards this
17 direction. I want to thank this committee; I want to
18 lobby from now for the other members of the Senate to vote
19 this through. This is a step in the right direction. As
20 simple as it seems, I'm already feeling the goose bumps,
21 because it's saying that we are coming into a light
22 consciousness which will take us to the next level of
23 representation.

24 So I thank you very much and the entire
25 committee, and I look forward for this being a law that's

1 actually enacted and we have this fully celebrated. Thank
2 you all so very much.

3 **SENATOR W. JAMES:** Thank you Senator Nelson. At
4 this point it's now 2:17. I'd like to thank the Committee
5 for participating this morning to move theses measures
6 forward. As you know we attempted to move these measures
7 on December 7th, but due to lack of quorum for various
8 reasons, medical emergency and travel problems we were
9 unable to deal with the measures. But the Committee was
10 able to read the transcript to review the testimony on the
11 server from Legislature via television, and were able to
12 come this morning prepared to move on the measure and we
13 did so expeditiously.

14 So I want to thank you again. We now will break
15 for a short lunch. It's now 2:17. We can get back 3:17,
16 3:30, and we will then entertain information and testimony
17 from four testifiers on the status of cultural education
18 in the Territory.

19 Committee stands in recess until 3:30.

20
21 (The Committee on Education, Culture, and Youth
22 stands in recess.)
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25